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REMARKS

This is a full and timely response to the outstanding Office action mailed February 10, 2005. Upon entry of the amendments in this response claims 1, 6, 7, 11, 21, 35, and 41 are pending. More specifically, claims 1, 11, 21, 35, and 41 are amended; and claims 2-5, 8-10, 12-20, 22-34, 36-40, and 42-45 are canceled. These amendments are specifically described hereinafter. It is believed that the foregoing amendments add no new matter to the present application. Other statements not explicitly addressed herein are not admitted.

Applicant respectfully contends that no references or combinations thereof disclose or suggest the present claims. With particular regard to claim 1, Applicant submits that because of the uniqueness of the original claim elements, and especially those added through the foregoing amendment, claim 1 is clearly distinguishable over all prior references. It is respectfully requested that the Examiner give serious consideration to allowing claim 1.

Claims 2-5, 8-10, 12-20, 22-34, 36-40, and 42-45 are cancelled without prejudice or disclaimer. Applicant takes this action merely to reduce the number of issues and to facilitate early allowance and issuance of the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

I. Present Status of Patent Application

Claims 1-6, 8-45 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Cobb* (U.S. Patent No. 6,199,102) in view of *Katsikas et al.* (U.S. Patent No. 6,199,102). Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Cobb* in view of *Katsikas* and *Ralston et al.* (U.S. Patent No. 6,842,773).

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II. Rejections Under 35 U.S.C. §103(a)**A. Claims 1 and 6-7**

The Office Action rejects claims 1 and 6 under 35 U.S.C. § 103(a) as allegedly being anticipated by *Cobb* (U.S. Patent No. 6,199,102) in view of *Katsikas et al.* (U.S. Patent No. 6,199,102). Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Cobb* in view of *Katsikas* and *Ralston et al.* (U.S. Patent No. 6,842,773). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1 as amended recites:

1. A method for blocking an electronic communication, the method comprising:
receiving at least a portion of a first electronic communication, the first electronic communication including a first electronic communication source address and a first electronic communication recipient address;
accessing user electronic communication blocking profile data, the user electronic communication blocking profile data including a plurality of user electronic communication blocking records, each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier;
selecting a first user electronic communication blocking record of a plurality of blocking records for at least two of a plurality of recipient addresses based at least in part on the first electronic communication source address and the first electronic communication recipient address; and
blocking delivery of the first electronic communication to the first electronic communication recipient address based at least in part on the selected first user electronic communication blocking record;

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receiving at least a portion of a second electronic communication, the second electronic communication including a second electronic communication source address and a second electronic communication recipient address, the second electronic communication recipient address being different from the first electronic communication recipient address;

selecting a second user electronic communication blocking record from at least two of a plurality of blocking records based at least in part on the second electronic communication source address and the second electronic communication recipient address; and

blocking delivery of the second electronic communication to the second electronic recipient address based at least in part on the selected second user electronic communication blocking record;

wherein blocking delivery of the first electronic communication includes sending a failure message to the source, wherein the failure message is an indication that the transmission of the e-mail message has permanently failed;

wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes a message field to store a message;

wherein blocking delivery of the first electronic communication to the first electronic recipient address includes sending an electronic communication to the first electronic communication source address, the electronic communication to the first electronic communication source address including at least in part a message stored in the message field of the selected first user electronic communication blocking record;

wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes an action identifier field to store an action identifier;

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wherein blocking delivery of the first electronic communication to the first electronic recipient address includes deleting the first electronic communication; and

wherein blocking delivery of the first electronic communication includes indicating that the first electronic communication cannot be accepted.

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully submits that independent claim 1 as amended is allowable for at least the reason that the combination of *Cobb* and *Katsikas* does not disclose, teach, or suggest at least **wherein blocking delivery of the first electronic communication includes sending a failure message to the source, wherein the failure message is an indication that the transmission of the e-mail message has permanently failed.** A “Challenge” message as disclosed in *Cobb* is not an indication that the message has permanently failed. In fact, as disclosed in *Cobb*, if the response to the “Challenge” message is determined to be valid, the message is accepted. Therefore, *Cobb* does not disclose claim 1, and the rejection should be withdrawn. *Katsikas* does not overcome the deficiencies of *Cobb*.

Because independent claim 1 as amended is allowable over the cited art of record, dependent claims 6 and 7 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 6 and 7 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 6 and 7 are patentable over *Cobb*, the rejection to claims 6 and 7 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 6 and 7 recite further features and/or combinations of features, as are

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apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 6 and 7 are allowable.

Regarding claim 1, the Office action has included a conclusion that "at least two of a plurality of recipient addresses from a record ... is well known in the art and would have been an obvious modification of the system disclosed by *Cobb*, as evidenced by *Katsikas*." See *Office Action*, page 4. Applicants traverse this finding that the subject matter is well known. Particularly in the context of the claimed combination that includes accessing user electronic communication blocking profile data and blocking delivery of electronic communication based on the profile data, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. In fact, showing that the subject matter is claimed in a recent patent is evidence that the subject matter is not well known. Therefore, the conclusion of well known art is improper and should be withdrawn.

Regarding claim 7, the Office action has included a conclusion that "where the electronic communication is an instant message ... is well known in the art and would have been an obvious modification of the system disclosed by *Cobb*, as evidenced by *Ralston*." See *Office Action*, page 4. Applicants traverse this finding that the subject matter is well known. Particularly in the context of the claimed combination that includes accessing user electronic communication blocking profile data and blocking delivery of electronic communication based on the profile data, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. In fact, showing that the subject matter is claimed in a recent patent is evidence that the subject matter is not well known. Therefore, the conclusion of well known art is improper and should be withdrawn.

Additionally, with regard to the rejection of claims 1-10, *Ralston* does not make up for the deficiencies of *Cobb* and *Katsikas* noted above. Therefore, claims 1 and 6-7 are considered patentable over any combination of these documents.

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B. Claim 11

The Office Action rejects claim 11 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Cobb* (U.S. Patent No. 6,199,102). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 11 as amended recites:

11. A method for blocking delivery of one or more electronic mail ("e-mail") messages transmitted under the Simple Mail Transfer Protocol ("SMTP"), the method comprising:

- establishing an SMTP transmission channel with a sender SMTP, the SMTP transmission channel communicating at least a portion of a first e-mail message;
- receiving the at least a portion of a first e-mail message, the first e-mail message including at least a first e-mail sender address and a first e-mail recipient address;
- accessing user e-mail blocking profile data, the user e-mail blocking profile data including a plurality of user e-mail blocking records, each user e-mail blocking record of at least a subset of the plurality of user e-mail blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier;
- selecting a first user e-mail blocking record of a plurality of blocking records for at least two of a plurality of recipient addresses based at least in part on the first e-mail sender address and the first e-mail recipient address;
- blocking delivery of the first e-mail message to the first e-mail recipient address based at least in part on the selected first user e-mail blocking record;
- receiving at least a portion of a second e-mail message, the second e-mail message including at least a second e-mail sender address and a second e-mail recipient address, the second e-mail recipient address being different from the first e-mail recipient address;
- selecting a second user e-mail blocking record based at least in part on the second e-mail sender address and the second e-mail recipient address; and

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blocking delivery of the second e-mail message to the second e-mail recipient address based at least in part on the selected second user e-mail blocking record;

wherein receiving the at least a portion of the first e-mail message includes receiving the first e-mail sender address as part of an SMTP MAIL command and the first e-mail recipient address as part of an SMTP RCPT command;

wherein blocking delivery of the first e-mail message to the first e-mail recipient address based at least in part on the selected first user e-mail blocking record includes sending a failure message to the SMTP receiver in response to the SMTP RCPT command, wherein the failure message is an indication that the transmission of the e-mail message has permanently failed;

wherein the failure message includes at least in part a message from the selected first user e-mail blocking record;

wherein the failure message indicates that e-mail cannot be delivered to the first e-mail recipient address;

wherein receiving at least a portion of a first e-mail message includes receiving at least the first e-mail message subsequent to receiving an SMTP DATA command;

wherein blocking delivery of the first e-mail message to the first e-mail recipient address based at least in part on the selected first user e-mail blocking record includes sending an e-mail blocked message to the first e-mail sender address; and

wherein blocking delivery of the first e-mail message to the first e-mail recipient address based at least in part on the selected first user e-mail blocking record includes deleting the first e-mail message.

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 11 as amended is allowable for at least the reason that the combination of *Cobb* and *Katsikas* does not disclose, teach, or suggest at least **wherein blocking delivery of the first e-mail message to the first e-mail recipient address based at least in part on the selected first user e-mail blocking record includes sending a failure**

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message to the SMTP receiver in response to the SMTP RCPT command, wherein the failure message is an indication that the transmission of the e-mail message has permanently failed. A "Challenge" message as disclosed in *Cobb* is not an indication that the message has permanently failed. In fact, as disclosed in *Cobb*, if the response to the "Challenge" message is determined to be valid, the message is accepted. Therefore, *Cobb* does not disclose claim 11, and the rejection should be withdrawn. *Katsikas* does not overcome the deficiencies of *Cobb*.

C. Claim 21

The Office Action rejects claim 21 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Cobb* (U.S. Patent No. 6,199,102). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 21 as amended recites:

21. A system for blocking delivery of an electronic communication, the system comprising:
- a network port;
 - a processor coupled to the network port; and
 - a memory coupled to the processor, the memory storing a plurality of instructions to be executed by the processor, the plurality of instructions including instructions to:
 - receive at least a portion of the electronic communication, the electronic communication including an electronic communication source address and an electronic communication recipient address,
 - access user electronic communication blocking profile data, the user electronic communication blocking profile data including a plurality of user electronic communication blocking records of a plurality of blocking records for at least two of a plurality of recipient addresses, each user electronic communication blocking record of at least a subset of the plurality of user electronic

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communication blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier,

select a user electronic communication blocking record based at least in part on the electronic communication source address and the electronic communication recipient address, and

block delivery of the electronic communication to the electronic communication recipient address based at least in part on the selected user electronic communication blocking record;

wherein the electronic communication is an electronic mail message;

wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes an action identifier field to store an action identifier;

wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes a message field to store a message;

wherein blocking delivery of the electronic communication includes sending a failure message to the source address, wherein the failure message is an indication that the transmission of the electronic communication has permanently failed;

wherein blocking delivery of the electronic communication to the electronic recipient address includes sending an electronic communication to the electronic communication source address, the electronic communication to the electronic communication source address including at least in part a message stored in the message field of the selected user electronic communication blocking record; and

wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes an action identifier field to store an action identifier.

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For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 21 as amended is allowable for at least the reason that the combination of *Cobb* and *Katsikas* does not disclose, teach, or suggest at least **wherein blocking delivery of the electronic communication includes sending a failure message to the source address, wherein the failure message is an indication that the transmission of the electronic communication has permanently failed**. A “Challenge” message as disclosed in *Cobb* is not an indication that the message has permanently failed. In fact, as disclosed in *Cobb*, if the response to the “Challenge” message is determined to be valid, the message is accepted. Therefore, *Cobb* does not disclose claim 21, and the rejection should be withdrawn. *Katsikas* does not overcome the deficiencies of *Cobb*.

D. Claim 35

The Office Action rejects claim 35 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Cobb* (U.S. Patent No. 6,199,102). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 35 as amended recites:

35. A computer-readable medium storing a plurality of instructions to be executed by a processor for blocking delivery of an electronic communication, the plurality of instructions comprising instructions to:

receive at least a portion of the electronic communication, the electronic communication including an electronic communication source address and an electronic communication recipient address;

access user electronic communication blocking profile data, the user electronic communication blocking profile data including a plurality of user electronic communication blocking records, each user electronic communication blocking record of at least a subset of the plurality of user electronic communication

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blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier;

select a user electronic communication blocking record based at least in part on the electronic communication source address and the electronic communication recipient address; and

block delivery of the electronic communication to the electronic communication recipient address based at least in part on the selected user electronic communication blocking record;

wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes an action identifier field to store an action identifier.

wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes a message field to store a message.

wherein the instructions to block delivery of the electronic communication to the electronic recipient address include instructions to send an electronic communication to the electronic communication source address, the electronic communication to the electronic communication source address including at least in part a message stored in the message field of the selected user electronic communication blocking record.

wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes an action identifier field to store an action identifier.

wherein the electronic communication is an electronic mail message and

wherein blocking delivery of the electronic communication includes sending a failure message to the source address, wherein the failure message is an indication that the transmission of the electronic communication has permanently failed.

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For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 35 as amended is allowable for at least the reason that the combination of *Cobb* and *Katsikas* does not disclose, teach, or suggest at least **wherein blocking delivery of the electronic communication includes sending a failure message to the source address, wherein the failure message is an indication that the transmission of the electronic communication has permanently failed**. A “Challenge” message as disclosed in *Cobb* is not an indication that the message has permanently failed. In fact, as disclosed in *Cobb*, if the response to the “Challenge” message is determined to be valid, the message is accepted. Therefore, *Cobb* does not disclose claim 35, and the rejection should be withdrawn. *Katsikas* does not overcome the deficiencies of *Cobb*.

E. Claim 41

The Office Action rejects claim 41 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Cobb* (U.S. Patent No. 6,199,102). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 41 recites:

41. A system for blocking delivery of an electronic communication, the system comprising:
- means for receiving at least a portion of the electronic communication, the electronic communication including an electronic communication source address and an electronic communication recipient address;
 - means for accessing user electronic communication blocking profile data, the user electronic communication blocking profile data including a plurality of user electronic communication blocking records, each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier;

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means for selecting a user electronic communication blocking record of a plurality of blocking records for at least two of a plurality of recipient addresses based at least in part on the electronic communication source address and the electronic communication recipient address; and

means for blocking delivery of the electronic communication to the electronic communication recipient address based at least in part on the selected user electronic communication blocking record.

wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes a message field to store a message;

wherein the means for blocking delivery of the electronic communication to the electronic recipient address includes means for sending an electronic communication to the electronic communication source address, the electronic communication to the electronic communication source address including at least in part a message stored in the message field of the selected user electronic communication blocking record;

wherein the electronic communication is an electronic mail message;

wherein the means for blocking delivery of the electronic communication to the electronic recipient address includes means for deleting the electronic communication; and

wherein means for blocking delivery of the electronic communication includes means for sending a failure message to the source address, wherein the failure message is an indication that the transmission of the electronic communication has permanently failed.

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 41 is allowable for at least the reason that the combination of *Cobb* and *Katsikas* does not disclose, teach, or suggest at least **wherein means for blocking delivery of the electronic communication includes means for sending a failure**

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message to the source address, wherein the failure message is an indication that the transmission of the electronic communication has permanently failed. A "Challenge" message as disclosed in *Cobb* is not an indication that the message has permanently failed. In fact, as disclosed in *Cobb*, if the response to the "Challenge" message is determined to be valid, the message is accepted. Therefore, *Cobb* does not disclose claim 41, and the rejection should be withdrawn. *Katsikas* does not overcome the deficiencies of *Cobb*.

III. Miscellaneous

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1, 6, 7, 11, 21, 35, and 41 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


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